



**Australian Government**

**Refugee Review Tribunal**

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# Country Advice

## China

China – CHN37463 – Fujian Province –  
Passports – Bribery – Seafarers passports –  
Border police – Public Security Bureau

22 October 2010

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**1. Would someone wanted by the PSB or “border protection police” in one part of Fujian be able to be issued with a seafarer’s passport by a different government agency in Fujian through bribery or connections with that agency?**

Sources indicate that corruption remains a serious problem in Chinese bureaucracy, particularly in low level government functions, such as passport issuance.<sup>1</sup> A 2007 source also indicates that the diversity of passport issuing authorities means that an unsuccessful passport applicant can exploit a loophole by applying for a different type of passport from a different passport issuing authority.<sup>2</sup> The information indicates that the Bureau of Harbor Superintendence and its delegates are authorised to issue seafarers passports.<sup>3</sup> It would be possible for someone wanted by the PSB to obtain a passport illegally by paying a bribe.<sup>4</sup>

A December 2008 report by the Department of Foreign Affairs and Trade (DFAT) advises that corruption is endemic in Chinese bureaucracy, particularly at lower levels. DFAT states that “We judge that in many cases it would be possible to obtain a passport illegally, for example by paying a bribe”:

**C. Ease with which a passport (issued in their own name) could be obtained illegally, i.e. by paying a bribe**

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<sup>1</sup> Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December – Attachment 1; Immigration and Refugee Board of Canada 2007, *CHN102486.E – China: Reports of corrupt officials issuing fraudulent Resident Identity Cards to unsuspecting rural residents and selling the authentic ones to “snakeheads” on the black market (2004 – 2007)*, 14 June – Attachment 2.

<sup>2</sup> Liu, G. 2007, *The Right to Leave and Return and Chinese Migration Law*, Koninklijke Brill NV, Leiden, The Netherlands, p. 168. Google Books website <http://books.google.com/books?id=oderyJcm6AMC&lpg=PA168&ots=5a6LE9boWe&dq=china%20seafarers%20passport&pg=PR4#v=onepage&q=MFA&f=false> – Accessed 21 October 2010 – Attachment 3.

<sup>3</sup> *Law of the People’s Republic of China on the Control of the Exit and Entry of Citizens*, 1 February 1986, UNHCR Refworld website. source: Chinalaw Computer-Assisted Legal Research Center, Peking University. Adopted at the 13th Meeting of the Standing Committee of the Sixth National People’s Congress, promulgated by Order No. 32 of the President of the People’s Republic of China on November 22, 1985, and effective as of February 1, 1986. China Law No. 315. Available at <http://www.unhcr.org/refworld/docid/3ae6b57718.html> – Accessed 22 October 2010 – Attachment 4; Liu, G. 2007, *The Right to Leave and Return and Chinese Migration Law*, Koninklijke Brill NV, Leiden, The Netherlands, p. 168. Google Books website <http://books.google.com/books?id=oderyJcm6AMC&lpg=PA168&ots=5a6LE9boWe&dq=china%20seafarers%20passport&pg=PR4#v=onepage&q=MFA&f=false> – Accessed 21 October 2010 – Attachment 3.

<sup>4</sup> Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December – Attachment 1.

9. Corruption is endemic in the Chinese bureaucracy, in particular at lower levels such as provincial Public Security Bureaus where passports are issued. We judge that in many cases it would be possible to obtain a passport illegally, for example by paying a bribe. A recent case in Guangxi province involved the payment of RMB12,000 per illegal passport. We are aware of a case where a Chinese citizen obtained officially-issued passports in two different names.<sup>5</sup>

The US Department of State report on human rights practices in China for 2009 states that corruption remains “endemic” and “officials frequently engaged in corrupt practices with impunity”.<sup>6</sup>

An Immigration and Refugee Board of Canada response to information request dated 14 June 2007 refers to an August 2004 report published by the United States National Institute of Justice, which states that corrupt officials in China tend “to occupy such low-level but crucial government functions as passport inspectors at border checkpoints, clerical staff for passport applications, and officials who issue documents for residential or marital verification”.<sup>7</sup>

According to Guofu Liu in *The Right to Leave and Return and Chinese Migration Law*, the Bureau of Harbor Superintendence and its delegates are authorised to issue seafarers passports. Liu also discusses the fact that the diversity of passport issuing authorities undermines the unity of passport administration, and provides passport applicants with the opportunity of exploiting the loophole of being able to apply for a passport many times. If an applicant is unsuccessful in applying for one type of passport from one authority, they may be successful in applying for another type at another issuing authority. The relevant extract follows:

#### *6.1.3 Passport issuing authorities*

The authority to issue passports in China is exercised by a variety of governmental authorities, including the MFA [Ministry of Foreign Affairs], MPS [Ministry of Public Security] and Chinese diplomatic missions in foreign countries. Under Article 3 Clause 2 of the *Regulations and Passport and Visa* 1980 (PRC) and Article 12 of the *Law on the Control of Exit and Entry of Citizens* 1985 (PRC), the MFA and 55 foreign affairs offices of local governments (authorised by the MFA) are responsible for issuing, renewal, page adding and endorsement of passports. **The Bureau of Harbor Superintendence and its delegates are authorised to issue seafarers passports.** Diplomatic missions can issue passports and travel documents to Chinese people who are abroad.

The central Chinese government has authorised the HKSAR [Hong Kong Special Administration Region] and MSAR [Macao Special Administration Region] to issue passports in accordance with Chinese law.

...As one effect of this, the diversity of passport issuing authorities undermines the unity of passport administration. Different authorities apply different criteria and

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<sup>5</sup> Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December – Attachment 1.

<sup>6</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – China (includes Tibet, Hong Kong, and Macau)*, March, Section 4 – Attachment 5.

<sup>7</sup> Immigration and Refugee Board of Canada 2007, *CHN102486.E – China: Reports of corrupt officials issuing fraudulent Resident Identity Cards to unsuspecting rural residents and selling the authentic ones to “snakeheads” on the black market (2004 – 2007)*, 14 June – Attachment 2.

processing formalities and advance different departmental interests. The separation of issuing authorities increases administrative costs associated with passports.

As another effect, the separation provides applicants with an opportunity to exploit the loophole of being able to apply for a passport many times. If an individual is not successful in applying for a public affairs passport from one authority, he or she may be successful in exiting China by applying for a private passport from another authority and vice versa. This loophole can only be closed by the use of advanced information technology and the introduction of a more advanced administrative system.<sup>8</sup>

## **2. Does the fact that someone could get a seafarer's passport mean that they are of no interest to Chinese authorities?**

Obtaining a seafarer's passport does not necessarily imply that its holder is of no interest to the Chinese authorities. As noted above, the information indicates that passports can be obtained illegally through bribery<sup>9</sup> and that there can be a lack of coordination between passport issuing authorities.<sup>10</sup> The information also indicates that it would mainly be high-profile dissidents, etc, who would be considered threats by the government and would have difficulty obtaining passports.<sup>11</sup>

An Immigration and Refugee Board of Canada response to information request dated 8 September 2005 states that:

Procurement of fraudulent documents is also facilitated by corruption among local officials (Schloenhardt 2002, 48; Comtex 18 June 2004). The involvement of government officials in procuring fraudulent travel documents is reportedly common but seldom discussed in the Chinese media (ibid.). A 2002 report published by the Australian Institute of Criminology on organized crime and migrant smuggling in Australia and the Asia-Pacific region notes that "[t]he increasing decentralisation of China's administration makes it easy for migrant smugglers to obtain passports and travel documents by corrupting local government employees" (Schloenhardt 2002, 48). According to the report, corrupt officials provide "both genuine and fraudulent documents in exchange for money, or...for the migrant smuggler's promise to smuggle a member of the corrupt official's family abroad" (ibid.).<sup>12</sup>

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<sup>8</sup> Liu, G. 2007, *The Right to Leave and Return and Chinese Migration Law*, Koninklijke Brill NV, Leiden, The Netherlands, p. 168. Google Books website <http://books.google.com/books?id=oderyJCm6AMC&lpg=PA168&ots=5a6LE9boWe&dq=china%20seafarers%20passport&pg=PR4#v=onepage&q=MFA&f=false> – Accessed 21 October 2010 – Attachment 3

<sup>9</sup> Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December – Attachment 1.

<sup>10</sup> Liu, G. 2007, *The Right to Leave and Return and Chinese Migration Law*, Koninklijke Brill NV, Leiden, The Netherlands, p. 168. Google Books website <http://books.google.com/books?id=oderyJCm6AMC&lpg=PA168&ots=5a6LE9boWe&dq=china%20seafarers%20passport&pg=PR4#v=onepage&q=MFA&f=false> – Accessed 21 October 2010 – Attachment 3.

<sup>11</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – China (includes Tibet, Hong Kong, and Macau)*, March, Section 2.d – Attachment 5; DIAC Country Information Service 2003, *Country Information Report No. 12/03 – Passport and exit procedures*, (sourced from DFAT advice of 15 January 2003), 24 January – Attachment 6.

<sup>12</sup> Immigration and Refugee Board of Canada 2005, *CHN100510.E – China: The manufacture, procurement, distribution and use of fraudulent documents, including passports, hukou, resident identity cards and summonses; the situation in Guangdong and Fujian particularly (2001-2005)*, 8 September – Attachment 7

While it would be difficult for high level dissidents to obtain travel documents, it seems possible for those of less interest to authorities to obtain a passport (including through bribery) and exit the country. According to the US Department of State, “[m]ost citizens could obtain passports, although those whom the government deemed threats, including religious leaders, political dissidents, and ethnic minorities, were refused passports or otherwise prevented from traveling overseas.”<sup>13</sup>

A DFAT report dated 15 January 2003 includes information on whether a person who had come to the adverse attention of the Chinese government would experience difficulty in obtaining a legal passport. According to the DFAT advice, “[a]n applicant ‘whose exit, in the judgement of the relevant department of the state council, would be harmful to state security or cause a major loss to national interests’ would likely be denied a passport.”<sup>14</sup>

### 3. Is there a “border protection police” in Pingtan County, Fujian Province?

The information indicates that border protection is a function of the Armed Police Force.<sup>15</sup> A number of sources refer to border police in Fujian province<sup>16</sup>, and they appear to be especially active in the Taiwan Strait, where people and drug smuggling are a major problem.<sup>17</sup> Border police are therefore likely to have a presence in Pingtan County, which is very close to Taiwan.

A 2004 report by the CEME (Cooperative Efforts to Manage Emigration) indicates that the “Border Defence Force” in Fujian is involved in monitoring exit and entry and in apprehending illegal entries, as well as managing the main Fujian detention centre for those involved in illegal migration.<sup>18</sup>

The latest (January 2010) UK Home Office country of origin information report compiles the following information on the various functions of China’s police. This indicates that border control comes under the purview of the Armed Police:

In a report dated 26 January 2004, the Canadian Immigration and Refugee Board (IRB) stated that China’s police comprised:

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<sup>13</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – China (includes Tibet, Hong Kong, and Macau)*, March, Section 2.d – Attachment 5.

<sup>14</sup> DIAC Country Information Service 2003, *Country Information Report No. 12/03 – Passport and exit procedures*, (sourced from DFAT advice of 15 January 2003), 24 January – Attachment 6.

<sup>15</sup> UK Home Office 2010, *Country of Origin Information Report – China*, 8 January, Section 8.03-8.04 – Attachment 8.

<sup>16</sup> ‘Fujian border police have cracked this year’s Taiwan-related serious drug cases, 8 cases’ 2010, SourceJuice, 24 June <http://www.sourcejuice.com/1342671/2010/06/24/Fujian-border-police-cracked-year-Taiwan-related-serious-drug/> – Accessed 22 October 2010 – Attachment 9; ‘Police crackdown on illegal emigration in Fujian’ 2010, *China Daily*, source: Xinhua, 26 February [http://www.chinadaily.com.cn/china/2010-02/26/content\\_9511879.htm](http://www.chinadaily.com.cn/china/2010-02/26/content_9511879.htm) – Accessed 22 October 2010 – Attachment 10; ‘20,000 evacuated in SE China as typhoon Morakot nears; nine fishermen missing’ 2009, 8 August [http://news.xinhuanet.com/english/2009-08/08/content\\_11844823.htm](http://news.xinhuanet.com/english/2009-08/08/content_11844823.htm) – Accessed 22 October 2010 – Attachment 11.

<sup>17</sup> Chin, J. (undated), ‘Human Smuggling and Trafficking in the Taiwan Strait: Security Predicament or Political Dilemma?’, Draft research paper, Consortium of Non-Traditional Security Studies in Asia website [http://www.rsis-ntsasia.org/resources/publications/research-papers/transnational-crime/James\\_Chin.pdf](http://www.rsis-ntsasia.org/resources/publications/research-papers/transnational-crime/James_Chin.pdf) – Accessed 22 October 2010 – Attachment 13.

<sup>18</sup> Omelaniuk, I. 2004, ‘Best Practices to Manage Migration: China’, Cooperative Efforts to Manage Emigration (CEME) website [http://migration.ucdavis.edu/ceme/more.php?id=149\\_0\\_6\\_0](http://migration.ucdavis.edu/ceme/more.php?id=149_0_6_0) – Accessed 22 October 2010 – Attachment 14.

- “Public Security Police – the main police force in China (86%), accountable to the Ministry of Public Security (MPS);
- State Security Police – safeguard state security, prevent foreign espionage, sabotage and conspiracies, under the leadership of the Ministry of State Security;
- Prison Police – guard prisons and labour camps, accountable to the Ministry of Justice;
- Judicial Police – maintain security at courts and escort suspects to and from court. Also administer the death penalty, not directly attached to any Ministry;
- **Armed Police – patrol border, guard VIPs, foreign embassies and important government buildings, accountable to MPS and Central Military Committee;**
- Patrol Police – community police whose main job is to deter crime and safeguard major events, accountable to the MPS.” [3a]

8.04 In its Country Profile for China, dated August 2006, the US Library of Congress observed:

“The Ministry of Public Security oversees all domestic police activity in China, including the People’s Armed Police Force. The ministry is responsible for police operations and prisons and has dedicated departments for internal political, economic, and communications security. Its lowest organizational units are public security stations, which maintain close day-to-day contact with the public. **The People’s Armed Police Force, which sustains an estimated total strength of 1.5 million personnel, is organized into 45 divisions: internal security police, border defense personnel,** guards for government buildings and embassies, and police communications specialists.” [11a]<sup>19</sup>

A 2005 Sinodefence article provides a brief overview of the Armed Police, and its subunits, including the Border Defence Corps. The article notes that the Border Defence Corps is subordinated to the MPS and local public security bureaus.<sup>20</sup>

## Attachments

1. Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December.
2. Immigration and Refugee Board of Canada 2007, *CHN102486.E – China: Reports of corrupt officials issuing fraudulent Resident Identity Cards to unsuspecting rural residents and selling the authentic ones to “snakeheads” on the black market (2004 – 2007)*, 14 June. (REFINFO)

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<sup>19</sup> UK Home Office 2010, *Country of Origin Information Report – China*, 8 January, Section 8.03-8.04 – Attachment 8.

<sup>20</sup> ‘People’s Armed Police (PAP)’ 2005, sinodefence.com, 22 January <http://www.sinodefence.com/army/orbat/pap.asp> – Accessed 12 January 2007 – Attachment 15

3. Liu, G. 2007, *The Right to Leave and Return and Chinese Migration Law*, Koninklijke Brill NV, Leiden, The Netherlands, p. 168. Google Books website <http://books.google.com/books?id=oderyJCm6AMC&lpg=PA168&ots=5a6LE9boWe&dq=china%20seafarers%20passport&pg=PR4#v=onepage&q=MFA&f=false> – Accessed 21 October 2010.
4. *Law of the People's Republic of China on the Control of the Exit and Entry of Citizens*, 1 February 1986, UNHCR Refworld website. source: Chinalaw Computer-Assisted Legal Research Center, Peking University. Adopted at the 13th Meeting of the Standing Committee of the Sixth National People's Congress, promulgated by Order No. 32 of the President of the People's Republic of China on November 22, 1985, and effective as of February 1, 1986. China Law No. 315. Available at <http://www.unhcr.org/refworld/docid/3ae6b57718.html> – Accessed 22 October 2010.
5. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – China (includes Tibet, Hong Kong, and Macau)*, March.
6. DIAC Country Information Service 2003, *Country Information Report No. 12/03 – Passport and exit procedures*, (sourced from DFAT advice of 15 January 2003), 24 January. (CISNET China CX72393)
7. Immigration and Refugee Board of Canada 2005, *CHN100510.E – China: The manufacture, procurement, distribution and use of fraudulent documents, including passports, hukou, resident identity cards and summonses; the situation in Guangdong and Fujian particularly (2001-2005)*, 8 September. (REFINFO)
8. UK Home Office 2010, *Country of Origin Information Report – China*, 8 January, Section 8.03-8.04.
9. 'Fujian border police have cracked this year's Taiwan-related serious drug cases, 8 cases' 2010, SourceJuice, 24 June <http://www.sourcejuice.com/1342671/2010/06/24/Fujian-border-police-cracked-year-Taiwan-related-serious-drug/> – Accessed 22 October 2010.
10. 'Police crackdown on illegal emigration in Fujian' 2010, *China Daily*, source: *Xinhua*, 26 February [http://www.chinadaily.com.cn/china/2010-02/26/content\\_9511879.htm](http://www.chinadaily.com.cn/china/2010-02/26/content_9511879.htm) – Accessed 22 October 2010.
11. '20,000 evacuated in SE China as typhoon Morakot nears; nine fishermen missing' 2009, 8 August [http://news.xinhuanet.com/english/2009-08/08/content\\_11844823.htm](http://news.xinhuanet.com/english/2009-08/08/content_11844823.htm) – Accessed 22 October 2010.
12. Deleted.
13. Chin, J. (undated), 'Human Smuggling and Trafficking in the Taiwan Strait: Security Predicament or Political Dilemma?', Draft research paper, Consortium of Non-Traditional Security Studies in Asia website [http://www.rsis-ntsasia.org/resources/publications/research-papers/transnational-crime/James\\_Chin.pdf](http://www.rsis-ntsasia.org/resources/publications/research-papers/transnational-crime/James_Chin.pdf) – Accessed 22 October 2010.
14. Omelaniuk, I. 2004, 'Best Practices to Manage Migration: China', Cooperative Efforts to Manage Emigration (CEME) website [http://migration.ucdavis.edu/ceme/more.php?id=149\\_0\\_6\\_0](http://migration.ucdavis.edu/ceme/more.php?id=149_0_6_0) – Accessed 22 October 2010.

15. 'People's Armed Police (PAP)' 2005, sinodefence.com, 22 January  
<http://www.sinodefence.com/army/orbat/pap.asp> – Accessed 12 January 2007. (CISNET China CX168769)